

## REMARKS

By the present amendments, claims 1, 13, 28 and 31 have been amended. No other claims have been canceled or added. Accordingly, claims 1, 3-13, 15-28, 30, 31 and 33 remain pending in the present application.

### **I. Rejection of Claims 1, 3-13, 15-28, 30, 31 and 33 under 35 USC § 102(e)**

Claims 1, 3-13, 15-28, 30, 31 and 33 are rejected under 35 U.S.C. §102(e) as being anticipated by Larson et al. (U.S. Patent Publication No. 2003/0161268). Applicant respectfully disagrees, and has made only minor amendments to the claims for clarity and correcting typographical errors. Applicant respectfully traverses the rejection of claims 1, 3-13, 15-28, 30, 31 and 33.

In rejecting independent claim 1, the Examiner cites to paragraphs [0096], [0122] and [0130] of Larson. By way of clarification, Applicant notes that Larson is directed to an admission control technique employing a unified routing, channel allocation and physical link parameter adaptation with reduced complexity. While Larson allows for the possibility of multiple simultaneous links, Larson considers each link separately, by first optimizing a first flow request (see, e.g., Fig. 5, element (S1) and page 7, par. [0113], and then subsequently controlling admission of additional flow requests (see, e.g., fig. 5 (elements (S1-S6)) and page 8, par. [0113])). If a suitable flow is not found for the subsequent flow request, the flow will not be admitted into the network (see, e.g., page 8, par. [0113]).

In contrast, claim 1 specifies considering at least two transmission pairs together, and then assigning signal flow and power control based on target quality parameters for both transmission pairs. Larson fails to disclose these limitations. Instead, as noted above, Larson only discloses admission control of subsequent flow requests without requiring modification of the first flow request, thereby reducing computational complexity (see pars. [0067] and [0068]). For these reasons, not only does Larson not disclose the method specified by claim 1, but Larson would teach away from the complex approach recited by claim 1.

The paragraphs cited by the Examiner fail to cure these deficiencies. Paragraph [0096] only discloses that paths may define different channel and physical layer parameters. Paragraph

[0122] only discloses a search procedure for determining a least cost  $K_i$ . Paragraph [0130] only discloses extending the search procedure to neighboring nodes. Accordingly, Applicant submits that claim 1 is patentably distinguishable over Larson. Independent claims 13, 28 and 31 recite limitations analogous to claim 1, and are therefore patentably distinguishable over Larson for at least the reasons specified above regarding claim 1.

### **CONCLUSION**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of the present application are respectfully requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

No fees are believed due in connection with the present submission. However, if it is determined that fees are due, the Commissioner is hereby authorized to charge payment of any fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 17-0026. If necessary, Applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

Respectfully submitted,

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